



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/22/2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
 LAW DEPARTMENT**
 100 CHURCH STREET
 NEW YORK, NY 10007

Lauren Howland
Special Assistant Corporation Counsel
 Office: (212) 356-2016
 Cell: (332) 323-7633

February 22, 2023

VIA ECF

Hon. Robert W. Lehrburger
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: R.M. v. N.Y.C. Dep't of Educ., 22-cv-9552 (JMF)(RWL)

Dear Judge Lehrburger:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

The parties respectfully submit this joint letter in accordance with Your Honor's order on January 9, 2023 (ECF No. 17), to update the Court on the status of this case. The parties have exchanged offers and continue to engage in good-faith settlement negotiations but have not yet achieved resolution and wish to continue those efforts without further burden on the Court's resources.

To that effect, the undersigned respectfully requests a 21-day extension of Defendant's time to respond to the Complaint from March 1 to March 22, 2023. Plaintiff consents to this request. This is the second request for an extension. The requested extension will allow time for the parties to continue their settlement discussions, and hopefully arrive at a resolution. Additionally, as this is an IDEA fees-only claim and neither liability nor discovery is at issue, the parties respectfully request an adjournment, *sine die* of the Initial Pretrial Conference (IPTC) currently scheduled for March 7, 2023 (ECF No. 18), and the attendant submission of a proposed Case Management Plan (CMP).

This office has settled all of the many dozens of similar IDEA fees-only cases brought by plaintiffs represented by the Dayan firm in recent years without the need to burden the court with any motion practice, conferences or even the need to respond to the Complaint, and we expect this case to take that same course.

Accordingly, the parties respectfully request that the Court adjourn the IPTC, *sine die*, and the undersigned respectfully requests that Defendant's time to respond to the Complaint be extended to March 22, 2023, with a joint status letter due on that date informing the Court that the case has been fully resolved or proposing a briefing schedule.

Thank you for considering these requests.

Respectfully submitted,
Lauren Howland

/s/

Special Assistant Corporation Counsel

cc: Adam Dayan, Esq. (via ECF)

Request granted in part. Defendant's time to respond to the Complaint is extended to March 22, 2023. The initial pretrial conference currently scheduled for March 7, 2023 is adjourned sine die. The parties shall file a status report every 30 days, or, if earlier, within 5 days after agreeing upon settlement.

SO ORDERED:

2/22/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

